



The City of Raleigh

Stormwater Management Advisory Commission

September 6, 2018
3:00 pm

Conference Room 305
Raleigh Municipal Building

Commission Members Present: Matthew Starr, Chris Bostic, Vanessa Fleischmann, David Webb, Jonathan Page, Evan Kane and Mark Senior

Staff Members Present: Wayne Miles, Kelly Daniel, Suzette Mitchell, Amy Farinelli, Heather Dutra, Justin Harcum, Scott Bryant, Craig Deal, Dale Hyatt, Kevin Boyer, Melanie Nguyen, Ana Jamarillo, Ashley Rodgers, Ben Brown, Veronica High, Lauren Witherspoon and Allison McGarity

Commission Members Absent: Francine Durso and Ken Carper

Guests: J. Todd Kennedy, Marsha Presnette-Jeanette, Palhe Viver, Charles Whitney, Tanya Seltzmah, Mike Hanson, Julie Taylor, Amy Wazenegger, Cris Sravan, Sue Ellen Johnson, Ken Trefzger, Jay Jayaknshan, Mark Van

Meeting called to order: 3:00 pm by Matthew Starr

1. Welcome, Introductions, Excused and Unexcused Absence and Approval of the Minutes

- **Mr. Starr** announced **Trey Cash** has resigned from his position (*moving out of city limits*).
- **Ms. Fleischmann** term with the Commission ends in October.
- **Mr. Webb** made a motion to excuse **Francine Durso** and **Ken Carper** for today's meeting, and both **Mr. Bostic** and **Ms. Fleischmann** seconded. The motion was approved unanimously.
- **Mr. Webb** made a motion to approve the July 19th and August 2nd minutes, and **Mr. Page** seconded. The motion passed unanimously.

2. Stormwater Staff Report

- **Staffing Update -**
 - **New** - Heather Dutra (*Water Quality Senior Engineer*)
- **Raleigh Rainwater Rewards** (*2 staff approved projects*) - 604 S. Lakeside Dr. and 3012 Mayview Rd.
- **Hot Topics -**
 - Bellwood Drive Partial Culvert Failure (*near Broughton HS*) - Investigating emergency procurement for design and construction to repair.
 - Recent drainage complaints (*Sediment and Erosion Control*) - Issued a fair amount of Notice of Violations due to on-going construction projects.

3. Presentation on Sandy Forks Road Widening

Chris Johnson (*Roadway Design & Construction*) provided a brief presentation on the Sandy Forks Road Widening. He spoke on the greenroads rating system, sustainability on the project, construction challenges, and what lessons were learned. The project went from a two-lane road to a

two-lane divided highway featuring; regular and vegetated median, pedestrian sidewalks, bike lanes, LED lighting, improved drainage, and green infrastructure.

A **Resident** asked how this project was chosen in North Raleigh. **Chris Johnson** said that staff saw that there was a lot of opportunity on Sandy Forks that they usually don't have on other projects.

Mr. Starr asked that additional comments from the public be held until the New Business agenda item in the interest of moving through the agenda.

4. **Drainage Assistance Project Reviews**

Dale Hyatt spoke on the one Drainage Assistance project up for review. During the presentation he went over the pending projects portfolio, project location map, the project for review, and the funding source.

- **1936 Jupiter Hills Court** - The property located at 1936 Jupiter Hills Court is located immediately downstream of a 72" RCP Stormwater outfall. The structure located on the property is now within five feet of the top of the stream located on the east side of the property. **Solution:** The project will look to stabilize the west side of the stream bank.

Project Costs	
1936 Jupiter Hills Court Bank Stabilization	\$110,000
FY19 Project Funds Approved to Date	\$642,000
Total Estimated Project Costs This Period	\$110,000
FY19 Budget	\$1,500,000
FY18 Remaining DA Funds	\$748,000

Commission Comments:

Mr. Evans asked if the property owner re-initiated the re-evaluation. **Dale Hyatt** said it was by the HOA along with the resident.

Mr. Page asked about the challenges for re-vegetation since an easement is there. **Dale Hyatt** replied the easement is on the other side of the stream, and it shouldn't be an issue to re-establish vegetation on top of the boulder wall.

Motion:

Mr. Senior made a motion to approve the project, and **Mr. Webb** seconded. The motion was approved unanimously.

4. **Overview of Current Stormwater Enforcement Policies and Procedures**

Ben Brown said this is being presented because staff recently updated the City Council with their enforcement procedure/policies through a City Manager's Weekly Report item.

Lauren Witherspoon referenced the memo (*agenda packet*) that has the current enforcement process. She provided a history of the Sediment & Erosion Control program, the enforcement procedures (*policy vs ordinance*), how the state statute affects the program, and if the Commission has general thoughts on where staff may want to go with this.

Ashley Rodgers explained the State Sediment Pollution Control Act (SPCA) and how it allows local government to enforce regulations, however, the City cannot be any less restrictive than the SPCA, but we can be more restrictive than the State.

Commission Comments

Mr. Bostic asked how well staff thinks Not-In-Compliance (NIC) works. **Lauren Witherspoon** said it works well because staff often visit the sites. Staff creates an onsite working relationship by speaking with the contractor and feels the “NIC” process report works well unless they are repeat violators. **Mr. Bostic** asked is more staff effort required when going from “NIC” to Notice of Violation (NOV) paperwork. **Lauren Witherspoon** said it takes more time to write the NOV, review it, and then get the correspondence to the applicant.

Wayne Miles referenced the memo to City Council (*agenda packet*) that staff prepared on repeat violators. He stated that staff is not looking for any action today; however, will come back at a future meeting and ask for recommendations on policy changes in issuing NIC’s and NOV’s. Also, in the memo “Next Steps”, there’s mention of state statute and limitation, and whether the City wishes to make it part of our legislative agenda to look for changes at the state level. The SMAC workplan adopted this year does include the regulatory program relating to Soil and Erosion Control. The City Council has directed staff to work with the City Attorney’s office on guidance on how fines are negotiated after been initially issued.

Mr. Starr asked if fines are publicly noticed. **Ben Brown** said he’s unsure, he knows it’s public knowledge, but it may have to do with being a legal settlement. **Lauren Witherspoon** stated the Attorney’s office is looking at other local delegated programs to see how they are coming up with settlement amounts and how much they’re reduced.

Mr. Starr asked how often staff is consulted when civil penalties are reduced. **Ben Brown** said a meeting is scheduled with him, Stormwater Program Manager, City Attorney and the applicant. If the applicant is unhappy with the outcome of the meeting, they meet with the Board of Adjustments, and the next step is Superior Court.

Wayne Miles proposed staff return at a future meeting to make additional suggestions/recommendation on policy changes. If those changes required UDO changes the next step would be SMAC making those recommendations to the City Council.

5. Report of Outcomes of Flood Risk and Safety Public Meetings

Ben Brown informed the Commission that Stormwater recently hosted two flood safety events in preparation of the hurricane season. The event was represented by City, State, and National, to inform the public on preparation and flood safety during hurricane season. Stations were set-up for residents to obtain information and ask one-on-one questions. Flood surveys were sent out prior to the event. The police and fire personnel were on hand to speak on their flood safety experience, and they informed us they keep a list of locations that typically flood during these types of events. Staff is assembling an online map for residents, so they can see the locations where flooding normally occurs.

Kirstin Freeman went over the stats of the survey communication which was mostly done through digital communication. She stated it is more effective using other departments in the city with a larger audience (*i.e. Parks*). The survey tool used for public input was more in-depth and interactive in reaching out to residents for the public meeting. She indicated comments can be made on the map where you may be experiencing flooding along with comments asking residents had they reached out to us before. Also, we sent out blanket emails thanking them for reaching out to us. The survey will be up before, during, after the event and we will keep it up on the website during hurricane season and ongoing. Also, we asked residents are they aware of some of our programs, many said no, but some were aware of Drainage Assistance and Rainwater Rewards programs.

Mr. Starr wanted to know if residents can send pictures through this tool. **Kirstin Freeman** said it is not possible to send pictures now, since we just started using this platform, but it’s something we can move toward.

Ms. Fleischmann asked if consideration has been made on having an app on the phone. **Kirstin Freeman** said no, but it's something to consider.

Wayne Miles mentioned the "See ClickFix" is an app the City has that residents can convey information. He said when flooding issues occurs, residents can take pictures and send to the app, so it can be distributed to the appropriate department to address that issue.

6. **Stream Gaging and Flood Warning Systems** (*Raleigh Partnership with USGS*)

Craig Deal provided an update on installation of five additional gages at Walnut Creek and a status on the flood warning signs. The gages are all reporting data and can be viewed on USGS's website. Staff has ordered the equipment needed to install a webcam at Lake Johnson. Raleigh Television Network (RTN) provided a short video in the presentation on gage installation. In addition, staff has ordered ten flood warning signs, which will have LED flashers, solar power, visible from one-two miles, and can send push notifications to alert staff when they go off. He indicated staff has some proposed wording for the signs, and the Commission can weigh in with suggestion on the wording. The plans are to install the signs in the fall.

Mr. Starr asked if staff thought about putting in webcams by the signs. **Craig Deal** said yes, we can have more of those cameras at other gage sites and some of the signs, but it will be subject to funding.

7. **New Business**

- **Mr. Starr** noted that a resident has asked to speak and will be allowed three minutes.
- Ms. Marsha Presnette-Jeanette informed the Commission that's she's been coming to these meetings about two years and never spoke. She lives near Beaver dam, and Evan Kane lives several blocks away. She said a few years ago, a massive oak tree fell in the stream and since that happened, she's lost a tremendous amount of back yard due to erosion. The streambank is about 8 feet below the yard. She indicated the contributing factor is failing culvert pipes that takes stormwater off the street through a neighbor's property into the stream. She commented the city's program for dealing with failing culvert pipes that take the water off public streets into streams does not help with properties unless they are in dire strait. She said her house is not, and they are just using the yard. The houses along her side of the street have sewer pipes, and the loss of her yard is almost within the sewer easement. She's frustrated over no programs that can address these issues because it does not fall into specific criteria. She added this issue is happening all over, and that's why she's passionate and interested. She mentioned that she's been to Kevin's stream restoration monitoring program and she's interested in water quality, stormwater controls regarding development and re-development, and stormwater runoff from built properties. She will continue to come and learn more and will continue to talk with staff
- Water Quality Pollutant (*load per pound*) - The Commission requested more information. Staff continues to work on that and will bring information at October's meeting.
- SMAC - One vacancy due to the resignation of Mr. Cash.
- Item Consideration: Designate representation on SMAC to ensure we are getting good representation of different stakeholder groups.
 - **Mr. Starr** said he thinks it's a good topic for discussion in making sure we have the broad sense of expertise and input. **Mr. Kane** added that the City sends out a demographic survey each year trying to access the makeup of various Commissions, and he encourages the Commission to look at that along with non-demographic profile.
- A **Resident** spoke saying this is her first meeting along with several other neighbors and she has a similar problem to what the previous resident spoke on. She's within the Big Branch watershed, and she states that it floods 3 feet - 5 feet. There's a little bridge that goes over a 3 feet deep dry creek, because for past the past three years the water table has dropped. The stormwater runoff is much higher, much faster, and capable of flowing downstream. She's requesting that the Commission and staff address this issue because it will be increasing. She's

said she's lost four trees in August, the yard is torn up, and those trees were the main source of keeping that bank capable of handling the 4 feet to 6 feet floods that goes over her driveway until they reach over Hemmingway, blow the caps off the intakes, flood the streets, and cascades to the next property and into the streets.

- o **Evan Kane** commented that Ms. Presnell-Jeanette reached out in advance to the Commission requesting to speak publicly. There's been more public comment at this meeting than prior ones. He noted that prior to this meeting he had reviewed how other boards handle their public comments. He said some boards has open comments at the beginning of their meeting for residents whose unsure if it's the right meeting, or whether they need to stick around to hear everything on the agenda. Our website says members of the public can speak, and maybe we need to designate a time either at the beginning or the end of the agenda. He would like to see how we can encourage people to let them know that public comment is welcome. He commended staff on having the agenda available on the web, while searching for a few Boards/Commission agenda, it was hard to locate.

Adjournment: **Mr. Bostic** made a motion to adjourn and **Mr. Senior** seconded. The meeting adjourned at 4:56 pm.

Suzette Mitchell